

**Village of Mackinaw City
Regular Meeting
Planning Commission
July 22, 2010
Approved Minutes**

Members: Rob Most (Chairman), John Riemer, Bo Whipkey, Florence Tracy, Mary Clark, Paul Allers, and Nancy Dean

Staff: Jeff Lawson (Village Manager)

Guests: Sandy Planisek, Dick Moehl, David McFarland, Mike Ayala

PUBLIC HEARING	
	<p>Call to Order and Welcome</p> <p>Chairman Most opened up the Public Hearing at 7:01 p.m. Planning Commission members present were Most, Riemer, Tracy, Dean, and Allers. Absent – Whipkey and Clark.</p>
1	<p>Special Use Permit, 2010-SU-004, Shepler Development</p> <p>The proposed Special Use Permit application requests the construction of a temporary and seasonal unpaved boat line parking lot on Third Street, Mackinaw City, MI 49701.</p> <p>There were no public comments presented.</p>
	<p>Motion Dean seconded Allers to close the Public Hearing at 7:03 p.m. Voice vote – all ayes. Absent – Whipkey and Clark. Motion carried.</p>
REGULAR MEETING	
1	<p>Call to Order and Welcome</p>
2	<p>Roll Call</p> <p>The meeting was called to order at 7:04 p.m. by Chairman Most.</p> <p>Roll call members present: R. Most, J. Riemer, F. Tracy, P. Allers, and N. Dean</p> <p>Members Absent: B. Whipkey and M. Clark</p>
3	<p>Pledge to Flag</p>
4	<p>Approval of Minutes</p> <p>Motion Allers seconded Tracy to accept the minutes of the meeting held on July 8, 2010, as presented. Voice vote – all ayes. Absent – Whipkey and Clark. Motion carried.</p>
5	<p>Public Comment</p> <p>There were no public comments presented.</p>
6	<p>New Business</p>
6a	<p>Special Use Permit, 2010, SU-004, Shepler Development, Temporary Seasonal and Unpaved Boat Line Seasonal Parking Lot on Third Street</p> <p>Staff provided an outline of the Special Use Permit application and the following was addressed:</p> <ul style="list-style-type: none"> - Property is located in the BC Zoning District - Plan identifies 50% of transportation corridor as landscaped with a berm as required by Section 23, 134, C, with the berm evenly distributed on the plan - Parking does not exceed one acre in size <p>Most requested Staff review the concerns raised by Whipkey at the last meeting with regard to berm distribution and elevation and how it is regulated within the Ordinance. Staff explained that the Ordinance currently requires that 50% of the entire corridor is bermed and clarified that driveways</p>

	<p>do not reduce the amount of coverage. Also discussed was the berm recently constructed on Nicolet Street and why it was placed in one area.</p> <p>Motion Allers seconded Dean to approve Special Use Permit, 2010-SU-004, Shepler Development, to construct a Temporary Seasonal and Unpaved Boat Line Parking lot on Third Street. Voice vote – all ayes. Absent – Whipkey and Clark. Motion carried.</p>
6b	<p>Site Plan Review, 2010-SP-006, Shepler Development, Temporary Seasonal and Unpaved Parking Lot on Third Street</p> <p>Staff provided an outline of the site plan submitted and the following was reviewed:</p> <ul style="list-style-type: none"> - Proposed development is permitted in the BC Zoning District - Lot can accommodate 122 cars - Site drainage will remain on site with landscaping consisting of pervious material - Both perimeter and internal greenspace requirements have been met - Plan identifies 50% of the parking area adjacent to public transportation corridors will contain an evenly landscaped berm <p>Staff confirmed that the Third Street parking lot is separate from the Nicolet parking area. The Ordinance requires that parking areas do not exceed one acre in size. Currently there is a fence and landscaping that prevents vehicles from traversing between lots.</p> <p>Motion Allers seconded Tracy to recommend to the Village Council the approval of Site Plan 2010-SP-006, Shepler Development, to construct a Temporary Seasonal and Unpaved Parking lot on Third Street. Voice vote – all ayes. Absent – Whipkey and Clark. Motion carried.</p>
7	Old Business
7a	<p>Temporary Seasonal Boat Line Parking Discussion</p> <p>Motion Dean seconded Allers to table Temporary Seasonal Boat Line Parking discussion until later in the meeting. Voice vote – all ayes. Absent – Whipkey and Clark. Motion carried.</p>
7b	<p>Sexually Oriented Business Regulations</p> <p>Staff provided a revised draft of the Sexually Oriented Business Ordinance (SOB), which was drafted by the Village’s Attorney based on discussions provided by the Planning Commission at their last meeting. The draft language addresses:</p> <ul style="list-style-type: none"> - Moves the permitted special use district from the B2 District to the MR and MRS District - The use may not be located within 1,000 feet of a church, school, or residential zoned area - Requires that there be a 500 foot separation between each business <p>Specific SOB material will not be permitted outside the designated district under these guidelines. The word “substantial” as it is defined Under Section 2, Definitions, 22, addresses what and how much material is permitted within a business that is located “in” district. Federal Case Law requires that this use be allowed within the Village. Internet cafes, book stores and motels with internet access was discussed. This topic will be researched by legal counsel.</p>
	<p>Whipkey arrived at 7:48 p.m.</p> <p>Most called for recess at 7:55 p.m.</p> <p>Meeting called to order at 8:00 p.m.</p>

	<p>The reason why “substantial” is set at 30%, is due to the fact that video stores, book stores, and grocery stores sell magazines and videos that contain nudity. The proposed language will not allow any pornographic material sold in “out” of district stores.</p>
	<p>Temporary Seasonal Boat Line Parking was opened for discussion.</p> <p>Legal Counsel did not recommend changing the current Ordinance and indicated that the Planning Commission has the flexibility to review the 50% even distribution of the berm during the site plan review process.</p> <p>After discussion, Commissioners agreed that the Ordinance language did not need to be modified at this time.</p>
7c	<p>B4 Customer Service Use Area Ratio Discussion</p> <p>A request was received to consider allowing a larger percentage of the building to be used by the customer without providing additional parking. Staff provided an overview of the history of parking in the DDA area. In 1988, the Ordinance required the DDA district to have on-site parking. This restricted businesses from expanding or upgrading their building. In 1997, many variances were requested for parking which resulted in discussions in establishing a customer service area and the amount of parking that would be necessary to accommodate it. The parking ordinance was amended to the current language today, which allows a percentage of a building’s square footage to be used as customer service area without providing additional parking. This provided an incentive for businesses to expand and improve their business resulting in economic development and creating additional tax base and jobs.</p>
8	<p>Commissioner Comments</p> <p>Most reminded the Board to respond to their invitation for the Ironworkers Walk of Fame induction ceremony on August 13, 2010. Dean expressed her approval for the Zoning Enforcement Officer and the importance of cleanliness of the Village.</p>
9	<p>Commissioner Calendar August 12, 2010, Special Meeting (if necessary) August 26, 2010, Regular Meeting</p>
10	<p>Adjournment Motion Dean seconded Whipkey to adjourn at 8:58 p.m. Voice vote – all ayes. Absent – Clark. Motion carried.</p>

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary